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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------|-------------|----------------------|---------------------|------------------|
| 10/564,224 | 04/09/2007 | Alfred Kuttnerberger | 10191/4092 | 7404 |
| 26646 | 7590 | 04/13/2010 | EXAMINER | |
| KENYON & KENYON LLP | | | NGUYEN, TAN QUANG | |
| ONE BROADWAY | | | | |
| NEW YORK, NY 10004 | | | ART UNIT | PAPER NUMBER |
| | | | 3661 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 04/13/2010 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/564,224 | KUTTENBERGER ET AL. |
| | Examiner | Art Unit |
| | TAN Q. NGUYEN | 3661 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 January 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 20-38 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 20-38 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 10 January 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/10/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAIL ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-19 have been canceled. Thus, claims 20-38 are pending.
2. The prior art submitted on January 10, 2006 has been considered.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 20-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Eisele et al. (2003/0051530).
6. As per claim 20, Eisele et al. disclose the invention as claimed which includes a first sensor for acquiring the vehicle impact and for output a first signal sensor (see paragraph [0005]), a control for outputting a trigger signal dependent on the first sensor signal (see at least paragraphs [0006] and [0022]), a restraint system that is triggered dependent on the first sensor for protection of a vehicle occupant during a vehicle impact (see figure 1, item 11), a second sensor arrangement for acquiring the obstacle

in a vicinity of the vehicle and for outputting a second sensor signal (see at least figure 1, items 1-3 and paragraph [0005], lines 8-10), a third sensor arrangement for acquiring an environment influence on the second sensor arrangement and for outputting a third sensor signal dependent on the environment influence (see at least the temperature sensor in paragraph [0021]), and the control device determines based on the second sensor signal, whether to trigger the restraint system after the an evaluation of the third sensor (see at least figure 2 and the related text).

7. As per claim 21, Eisele et al. disclose that the first sensor includes an acceleration (see paragraph [0005]).

8. As per claim 22, Eisele et al. disclose that the second sensor includes an ultrasonic (see paragraph [0005], line 10).

9. As per claim 23, Eisele et al. disclose that the restraint system includes a multiplicity of restraint devices (see at least paragraph [0012] and [0022]).

10. As per claim 24, Eisele et al. disclose that the restraint system includes an airbag 11 as shown in figure 1.

11. As per claim 25, Eisele et al. discloses that the first, second and third sensors arrangement form a sensor system (see figure 1).

12. As per claim 26, Eisele et al. disclose that the third sensor includes a temperature sensor (see paragraph [0021]).

13. With respect to claims 27-38, the limitations of these claims have been noted in the rejections above and in the teaching of the Eisele et al. reference. They are therefore considered rejected as set forth above.

Conclusion

14. All claims are rejected.

15. The following references are cited as being of general interest: Farmer (6,832,156) and Browne et al. (2004/0254729).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 6:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Official Fax Center: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 12, 2010

/TAN QUANG NGUYEN/
Primary Examiner
Art Unit 3661